

ERNESTO VILLEZA, PETITIONER, VS. GERMAN MANAGEMENT AND SERVICES, INC., DOMINGO RENE JOSE, PIO DIOKNO, SESINANDO FAJARDO, BAYANI OLIPINO, ROLANDO ROMILO AND JOHN DOES, RESPONDENTS.*G.R. No. 182937. August 08, 2010*

Ponente: MENDOZA, J.

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This petition sprouted from an earlier Supreme Court ruling in *German Management v. Court of Appeals*, [1] G.R. Nos. 72616-76217, September 14, 1989, which has already become final and executory. The decision, however, remains unenforced due to the prevailing party's own inaction. This petition, therefore, is the struggle of a victor trying to retrieve the prize once won.

It appears that *German Management v. Court of Appeals* stemmed from a forcible entry case instituted by petitioner Ernesto Villeza against respondent German Management, the authorized developer of the landowners, before the Metropolitan Trial Court of Antipolo City (MeTC). The Decision of this Court favoring the petitioner became final and executory on October 5, 1989. [2] In ruling against German Management, We wrote:

Although admittedly, petitioner may validly claim ownership based on the muniments of title it presented, such evidence does not responsively address the issue of prior actual possession raised in a forcible entry case. It must be stated that regardless of the actual condition of the title to the property, the party in peaceable quiet possession shall not be turned out by a strong hand, violence or terror. Thus, a party who can prove prior possession, can recover such possession even against the owner himself. Whatever may be the character of his prior possession if he has in his favor priority in time, he has the security that entitles him to remain on the property until he is lawfully ejected by a person having a better right by *accion publiciana* or *accion reivindicatoria*. [3]

On May 27, 1991, the petitioner filed a Motion for Issuance of Writ of Execution with the MeTC. On February 27, 1992, he filed a Motion to Defer Resolution [4] thereon because "he was permanently assigned in Iloilo and it would take quite sometime before he could come back." On February 28, 1992, the MeTC issued an order holding in abeyance the resolution of his motion to issue writ of execution until his return. Three years later, as there was no further movement, the said court issued an order dated January 9, 1995 denying petitioner's pending Motion for Issuance of Writ of Execution for lack of interest.

More than three (3) years had passed before petitioner filed a Motion for Reconsideration dated May 29, 1998 alleging that he had retired from his job in Iloilo City and was still interested in the issuance of the writ. On October 8, 1998, the MeTC issued a writ of execution.

As the sheriff was implementing the writ, an Opposition with Motion to Quash Writ of Execution was filed by German Management and Services, Inc. On June 3, 1999, an order was handed down granting the motion to quash the writ of execution issued. Pertinently, the said Order reads:

Considering the provision of Section 6, Rule 39 of the 1997 Rules of Civil Procedure, after the lapse of five years from the date of entry, judgment may no longer be enforced by way of motion but by independent action.[5]

On October 3, 2000, Villeza filed with the MeTC a Complaint for Revival of Judgment of the Decision of the Supreme Court dated September 14, 1989.

Respondent German Management moved to dismiss the complaint. It alleged that it had been more than 10 years from the time the right of action accrued, that is, from October 5, 1989, the date of the finality of the Court's decision to October 3, 2000, the date of the filing of the complaint for its revival. It further argued that, pursuant to Section 6, Rule 39 of the Rules of Court in relation to Article 1144 of the Civil Code, the complaint is now barred by the statute of limitations.

On March 29, 2001, the MeTC granted the motion to dismiss reasoning that Article 1144 of the Civil Code was categorical that an action to enforce a judgment must be brought within ten years from the time such right accrues. Since it had been almost 11 years from the time the 1989 Court's decision became final and executory, the action to revive it was barred.

Aggrieved, petitioner Villeza appealed the decision to the Regional Trial Court (RTC) which affirmed in toto the MeTC order of dismissal in its April 24, 2004 Decision.

Petitioner Villeza elevated the case to the Court of Appeals (CA) arguing that the 10-year prescriptive period was tolled by the suspension granted him by the MeTC of Antipolo pursuant to his request to hold in abeyance the issuance of the writ of execution. He claimed that he could not be considered to have slept on his rights as he filed the necessary action to enforce the final decision. Nevertheless, the CA ruled against him. Thus:

Petitioner's claim that the prescriptive period should be deemed interrupted by the grant of his move to defer action on the motion to execute cannot be countenanced. While there had been many instances where the Hon. Supreme Court allowed execution by motion even after the lapse of five years, said exceptions were occasioned by delay attributed to the judgment debtor. In the case at bar, the delay in the execution of the judgment is attributable to the petitioner, the party in whose favor judgment was issued.

x x x x

WHEREFORE, in view of the foregoing, the petition is DENIED. The decision appealed from is hereby AFFIRMED.[6]

Hence, this Petition for Review on Certiorari under Rule 45 of the Rules of Court.

Petitioner Villeza reiterates his argument that he never slept on his right as he pursued several remedies. Still, he insists that the interruption or suspension granted by the MeTC must be considered in computing the period because it has the effect of tolling or stopping the counting of the

period for execution.[7] Besides, the Court has in the past provided several exceptions affording extension of the prescriptive period. Thus, he averred: "It is revolting to the conscience to allow respondents to further avert the satisfaction of its obligation because of the sheer literal adherence to technicality." [8]

The Court finds no merit in this petition.

An action for revival of judgment is governed by Article 1144 (3), Article 1152 of the Civil Code and Section 6, Rule 39 of the Rules of Court. Thus,

Art. 1144. The following actions must be brought within ten years from the time the right of action accrues:

x x x x

(3) Upon a judgment

Article 1152 of the Civil Code states:

Art. 1152. The period for prescription of actions to demand the fulfillment of obligations declared by a judgment commences from the time the judgment became final.

Apropos, Section 6, Rule 39 of the Rules of Court reads:

Sec. 6. Execution by motion or by independent action. -A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations. (emphasis supplied)

The rules are clear. Once a judgment becomes final and executory, the prevailing party can have it executed as a matter of right by mere motion within five years from the date of entry of judgment. If the prevailing party fails to have the decision enforced by a motion after the lapse of five years, the said judgment is reduced to a right of action which must be enforced by the institution of a complaint in a regular court within ten years from the time the judgment becomes final.

When petitioner Villeza filed the complaint for revival of judgment on October 3, 2000, it had already been eleven (11) years from the finality of the judgment he sought to revive. Clearly, the statute of limitations had set in.

Petitioner Villeza, however, wants this Court to agree with him that the abeyance granted to him by the lower court tolled the running of the prescriptive period. He even cited cases allowing exceptions to the general rule. The Court, nevertheless, is not persuaded. The cited cases are, in fact, not applicable to him, despite his endeavor to tailor them to fit in to his position. The same cases lamentably betray him.

Republic v. Court of Appeals[9] deals with the stay of the period due to the acts of the losing party. It was impossible for the winning party to have sought the execution of the judgment because of the dilatory schemes and maneuvers resorted to by the other party.[10]

In Torralba v. delos Angeles,[11] the running of the period was interrupted when the winning party filed a motion for the issuance of the writ of

execution. The order of ejectment was not carried out, however, due to the judgment debtor's begging to withhold the execution of judgment because of

financial difficulties.[12] The agreement of the parties to defer or suspend the enforcement of the judgment interrupted the period of prescription.[13]

In Casela v. Court of Appeals,[14] it was the judgment obligor who moved to suspend the writ of execution. The judgment obligee was not in delay because he exhausted all legal means within his power to eject the obligor from his land. The writs of execution issued by the lower court were not complied with and/or were suspended by reason of acts or causes not of obligee's own making and against his objections.[15]

Unlike the cases cited above, the records reveal that it was petitioner Villeza, the prevailing party himself, who moved to defer the execution of judgment. The losing party never had any hand in the delay of its execution. Neither did the parties have any agreement on that matter. After the lapse of five years (5) from the finality of

judgment, petitioner Villeza should have instead filed a complaint for its revival in accordance with Section 6, Rule 39 of the Rules of Court. He, however, filed a motion to execute the same which was a wrong course of action. On the 11th year, he finally sought its revival but he requested the aid of the courts too late.

The Court has pronounced in a plethora of cases that it is revolting to the conscience to allow someone to further avert the satisfaction of an obligation because of sheer literal adherence to technicality;^[16] that although strict compliance with the rules of procedure is desired, liberal interpretation

is warranted in cases where a strict enforcement of the rules will not serve

the ends of justice;^[17] and that it is a better rule that courts, under the principle of equity, will not be guided or bound strictly by the statute of limitations or the doctrine of laches when to do so, manifest wrong or injustice would result.^[18] These cases, though, remain exceptions to the general rule. The purpose of the law in prescribing time limitations for enforcing judgment by action is precisely to prevent the winning parties from sleeping on their rights.^[19] This Court cannot just set aside the statute of limitations into oblivion every time someone cries for equity and justice. Indeed, "if eternal vigilance is the price of safety, one cannot sleep on one's right for more than a 10th of a century and expect it to be preserved in pristine purity."^[20]

WHEREFORE, the May 9, 2008 Decision of the Court of Appeals in CA-GR No. SP No. 84035 is AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Nachura, Peralta, and Abad, JJ., concur.

[1] 177 SCRA 495, 500.

[2] Rollo, p. 40.

[3] Supra note 1.

[4] Rollo, pp. 42-43.

[5] Cited in CA Decision, rollo, p. 29.

[6] Id. at 29-30. CA Decision penned by Associate Justice Arcangelita Romilla-Lontok with Associate Justice Mariano C. del Castillo (now a member of this Court) and Associate Justice Ricardo R. Rosario concurring.

[7] Id. at 14.

[8] Id. at 18.

[9] 221 Phil. 685, 695 (1985).

[10] Id.

[11] 185 Phil. 40, 47 (1980).

[12] Id.

[13] Id.

[14] 146 Phil. 292, 296 (1970).

[15] Id.

[16] Philippine Veterans Bank v. Solid Homes, G.R. No. 170126, June 9, 2009, 589 SCRA 40.

[17] Id.

[18] Bausa v. Heirs of Juan Dino, G.R. No. 167281, August 28, 2008, 563 SCRA 533, 542.

[19] Macias v. Lim, G.R. No. 139284, June 4, 2004, 431 SCRA 20, 38.

[20] Asociacion Cooperativa de Credito Agricola de Miagao v. Monteclaro, 74 Phil. 281 (1943).

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